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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,924	09/19/2001	Christian Huitema	212515	9394

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MICROSOFT CORPORATION  
ATTN: PATENT GROUP DOCKETING DEPARTMENT  
ONE MICROSOFT WAY  
REDMOND, WA 98052-6399

EXAMINER
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CHAI, LONGBIT

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/955,924

Applicant(s)

HUITEMA ET AL.

Examiner

Longbit Chai

Art Unit

2131

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 14 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 2-25.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because:

1. As per claim 2, Applicant argues: (1) "there is no motivation to combine Turnbull with Aoki". Examiner notes the reason / motivation to combine the teaching of Aoki within the system of Turnbull is sufficient because (a) Turnbull teaches a shared list of multiple certificates that allows the end-user to obtain a certificate of other end-users without on a user-by-user basis - i.e., obtaining trustworthy certificates from end-users that maintain a shared list (i.e. a group) (Turnbull: Column 2 Line 53 - 62), and (b) Aoki further teaches providing a simplified certification apparatus and method that can be performed uniformly and fairly within its own group without necessitating the external 3rd party such as CA (Certification Authority) (Aoki: see for example, Column 19 Line 7 - 13). Applicant remarks: (2) "the shared list of Turnbull is used not to enter a group, but rather, to save encryption schemes for a list of users to be used in sending other communications". Examiner notes Applicant's arguments have been fully considered but are not persuasive. Turnbull teaches obtaining trustworthy certificates from end-users that maintain a shared list (i.e. by increasing the number of members in the group) to allow the end-user to obtain a certificate of other end-users without on a user-by-user basis (Turnbull: Column 2 Line 53 - 62 and Column 5 Line 8 - 12). Besides, even though assuming "the objective of save encryption schemes for a list of users to be used in sending other communications as taught by Turnbull is different from that in the specification", the difference in objectives does not defeat the case for obviousness because, as MPEP § 2144 states, the "reason or motivation to modify the reference may often suggest what the inventor has done, but for a different purpose or to solve a different problem. It is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by applicant. In re Linter, 458 F.2d 1013, 173 USPQ 560 (CCPA 1972)". (3) Applicant further argues: "Turnbull does not teach the group membership certificate allowing the peer to join the group through a second member other than the first member". Examiner notes Applicant's arguments have been fully considered but are not persuasive. Turnbull teaches the group shared list has a "shared list authorization field" that indicates whether the user is authorized to create a share list, to modify a shared list whether created by itself or another user (Turnbull: Column 7 Line 2 - 5: "modify" a shared list includes adding or deleting more user / members) and further teaches "to verify whether a user is authorized, the user simply checks its signature verification" (Turnbull: Column 6 Line 62 - 63). (4) Applicant further argues: "Turnbull does not teach inviting members to the list; rather, Turnbull just adding users to the list". Examiner notes the claim must be given its broadest interpretation based upon MPEP §2111, and according to DICTIONARY.COM, "invite" is interpreted as "to request formally" and thereby Turnbull does teach inviting members to the list in light of adding users because the invited users can verify the signature of the user that initiates the invitation to join the group (i.e. shared list or peer-to-peer group) as the invitation is indeed a formal request through mutual authentications (Turnbull: Column 6 Line 20 - 23). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
2. As per claim 8, Applicant argues: "Turnbull in view of Aoki does not teach "forming a first group membership certificate containing the peer's public key PU1 and a second membership certificate signed with the group private key KG". Examiner notes Turnbull teaches forming a first group membership certificate containing the peer's public key PU1 (Turnbull: Figure 1 Element 34) and Aoki is relied upon teaching a second membership certificate signed with the group private key KG (Aoki: Column 18 Line 38 - 40). Please see the same rationale addressed above in response to the rest of the arguments.
3. As per claim 13, Applicant remarks: "the shared list of Turnbull is not a group invitation". See the same rationale addressed above (in the 1st Paragraph) for the interpretation of "group invitation". Applicant further argues: "Turnbull does not teach the invited peer can access the identification of the 3rd peer". Examiner notes Turnbull teaches the group shared list has a "shared list authorization field" that indicates whether the user is authorized to create a share list, to modify a shared list whether created by itself or another user (Turnbull: Column 7 Line 2 - 5: "modify" a shared list includes adding or deleting more user / members) and further teaches "to verify whether a user is authorized, the user simply checks its signature verification" (Turnbull: Column 6 Line 62 - 63). Besides, the "shared list" as defined by Turnbull is a functional group ID that contains the member's ID such as end-user 14, 16, 50, 54 and 62 (Turnbull: Column 5 Line 58 - 60) and thereby Turnbull does teach the invited peer (any member in the group providing signature verification) can access the shared list group ID which includes identification of the 3rd peer.
4. As per claim 18, Applicant argues: "Turnbull does not teach receiving a connect message from the peer containing an invitation certificate signed by a private key of the peer; authenticating the invitation certificate signed by the peer's private key". Examiner notes see the same rationale set forth above except receiving a connect message from the peer. However, examiner further notes a connect message is considered as a request message from the originator to invite the peer to validate the originator's signature to meet the claim language and the accept message is the response message with respect to the request message as a result of signature verification (Turnbull: Column 6 Line 20 - 23). Applicant further argues: "motivation to combine Turnbull with Langford. Examiner notes the reason / motivation to combine the teaching of Langford within the system of Turnbull is sufficient because (a) Turnbull teaches a shared list of multiple certificates that allows the end-user to obtain a certificate of other end-users without on a user-by-user basis (Turnbull: Column 2 Line 53 - 62), and (b) Langford further teaches an improving mechanism to reduce the data overhead and therefore increase the system performance by providing an effective secure group communication that substantially reduces the data overhead accompanying each secure message in comparison using the security credentials of each of the member (Langford: see for example, Column 2 Line 57 - 60).
5. For the arguments regarding the rest of dependent claims, see the same rationale set forth in the previous Office action..

  
AYAZ SHEIKH

SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100